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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION No. 3046 /2003

PETITIONER : Rohit Kumar Patel, Advocate, Aged About 52 years, S/o Shri Kartikeshwar Prasad Patel, Advocate R/o Beed Para, Behind Police Station, Sarangarh, District- Raigarh (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through : Secretary, Department of Law & Legislative affairs, D.K.S. Bhawan, Raipur (C.G.)

2. District & Session Judge, Raigarh (C.G.).

3. Civil Judge, Class-II, Sarangarh, District- Raigarh (C.G.).

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF CERTIORARI AND MANDAMUS ETC FOR FURTHER SUITABLE WRITS AND DIRECTIONS.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक wp 3046/03 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

17-12-2004

On a mention being made, the case is taken up for hearing.

Shri K. N. Nande, counsel for the petitioner.

Shri Bhaskar Pyasi, Panel Lawyer for the State.

Heard both the counsel.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 31st July 2000 passed by the Collector whereby the petitioner's certificate to practice as public notary has been renewed for a period of three years instead of five years.

Brief facts leading to filing of this petition are that the petitioner is practicing as Notary at Saranggarh, District: Raigarh. As his tenure of the certificate to practice as notary was expiring, therefore, the petitioner moved an application before the competent authority for renewal of the said certificate and vide order dated 31st July 2000 his certificate was renewed for a period of three years as per the old law and provisions of sub-section (2) of Section 5 of the Notaries Act, 1952. Whereas, the said provision stood amended by the Act 36 of 1999, whereby the period of three years was amended to five years w.e.f. 17-12-1999.

XI-HC—78

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Barve	I have perused sub-section (2) of Section 5 of the Notaries Act, 1952 which reads thus:- "The government appointing the notary may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time." Therefore, in view of the above provisions the petitioner's certificate to practice as Notary ought to have been renewed for a period of five years. In the circumstances, the petitioner's petition deserves to be allowed. Accordingly, the petition is allowed and the respondents are directed to renew the petitioner's certificate for practicing as Notary for a period of five years instead of three years with effect from the original date from which he was entitled for renewal of the certificate. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	